

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANGELA K. HERNANDEZ,

Defendant.

8:08CR198

ORDER

Defendant Angela K. Hernandez (Hernandez) appeared before the court on December 4, 2013, on the Second Amended Petition for Warrant or Summons for Offender Under Supervision (Petition) (Filing No. 96). Hernandez was represented by Assistant Federal Public Defender Jennifer L. Gilg and the United States was represented by Assistant U.S. Attorney Meredith B. Tyrakoski. Through her counsel, Hernandez waived her right to a probable cause hearing on the Petition pursuant to Fed. R. Crim. P. 32.1(a)(1). I find that the Petition alleges probable cause and Hernandez should be held to answer for a final dispositional hearing before Chief Judge Laurie Smith Camp. The government moved for detention. Through counsel, Hernandez requested a detention hearing. The hearing was scheduled for December 5, 2013.

On December 5, 2013, Hernandez again appeared before the court. Hernandez was represented by Assistant Federal Public Defender Jennifer L. Gilg and the United States was represented by Assistant U.S. Attorney Thomas J. Kangior. Hernandez asked to be placed in treatment at the Stephen Center at her expense which her mother agreed to pay. The court finds Hernandez had ample opportunity to take advantage of treatment at Santa Monica's House following her previous dispositional hearing before the court. Hernandez's manipulation of her treatment programs and the financial generosity of her mother have to come to an end. Clearly, Hernandez lacks the character to accept responsibility for her actions. Since it is Hernandez's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that she is neither a flight risk nor a danger to the community, the court finds Hernandez has failed to carry her burden and that Hernandez should be detained pending a dispositional hearing before Chief Judge Smith Camp.

IT IS ORDERED:

1. A final dispositional hearing will be held before Chief Judge Laurie Smith Camp in Courtroom No. 2, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 10:00 a.m. on January 23, 2014**. Defendant must be present in person.

2. Defendant Angela K. Hernandez is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 5th day of December, 2013.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge